

1 MORGAN, LEWIS & BOCKIUS LLP
Michael J. Lyons (State Bar No. 202284)
2 Andrew J. Wu (State Bar No. 214442)
Ryan L. Scher (State Bar. No. 244706)
3 2 Palo Alto Square
3000 El Camino Real, Suite 700
4 Palo Alto, CA 94306-2122
Tel: 650.843.4000
5 Fax: 650.843.4001
mlyons@morganlewis.com
6 awu@morganlewis.com
rscher@morganlewis.com
7

8 MORGAN, LEWIS & BOCKIUS LLP
Daniel Johnson, Jr. (State Bar No. 57409)
Amy M. Spicer (State Bar No. 188399)
9 One Market, Spear Street Tower
San Francisco, CA 94105-1126
10 Tel: 415.442.1000
Fax: 415.442.1001
djjohnson@morganlewis.com
11 aspicer@morganlewis.com
12

13 Attorneys for Defendant and Counterclaimant
PHILIPS LUMILEDS LIGHTING COMPANY,
14 LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 OAKLAND DIVISION

18 EPISTAR CORPORATION,
19

20 Plaintiff,

21 v.

22 PHILIPS LUMILEDS LIGHTING
COMPANY, LLC,

23 Defendant.
24

25 AND RELATED COUNTERCLAIMS
26
27
28

Case No. C-07-5194 CW

**ADMINISTRATIVE REQUEST TO FILE
UNDER SEAL PURSUANT TO CIVIL L.R.
79-5 PHILIPS LUMILEDS LIGHTING
COMPANY'S REPLY IN SUPPORT OF
ITS MOTION FOR JUDGMENT ON THE
PLEADINGS AND EXHIBITS A AND B TO
THE DECLARATION OF RYAN SCHER
IN SUPPORT OF PHILIPS LUMILEDS
LIGHTING COMPANY'S REPLY IN
SUPPORT OF ITS MOTION FOR
JUDGMENT ON THE PLEADINGS**

Pursuant to Civil L.R. 79-5, Philips Lumileds Lighting Company, LLC (“Lumileds”) requests the following documents to be filed under seal. These documents are confidential and subject to one or more of the following Protective Orders: (1) the Protective Order entered by the administrative law judge in the ITC Investigation *In the Matter of Certain High-Brightness Light Emitting Diodes and Products Containing Same*, USITC Inv. No. 337-TA-556, attached as Exhibit A to the Declaration of Andrew J. Wu in Support of Philips Lumileds Lighting Company’s Motion to Stay (“Wu Declaration”), filed with this Court on January 31, 2008, with Lumileds’ motion to stay the present litigation; (2) the Stipulated Protective Order in the case *Lumileds Lighting U.S., LLC v. Epistar Corporation*, Case No. 02-5077 CW (EAI) (N.D. Cal.), attached as Exhibit A to the Declaration of Michael Lyons in Support of Lumileds Administrative Request to File Under Seal Lumileds’ Motion for Summary Judgment and Exhibits to the Declaration of Ryan Scher in Support of Lumileds Motions for Summary Judgment in the present litigation [D.I. 61]; and (3) the Protective Order in the case *United Epitaxy Co., Ltd. v. Hewlett-Packard Co.*, No. C00-2518 CW (N.D. Cal.), attached as Exhibit B to the Declaration of Michael Lyons in Support of Lumileds Administrative Request to File Under Seal Lumileds’ Motion for Summary Judgment and Exhibits to the Declaration of Ryan Scher in Support of Lumileds Motions for Summary Judgment in the present litigation [D.I. 61] (collectively, the “Protective Orders”).

1. Philips Lumileds Lighting Company, LLC’s Reply In Support of It Motion for Judgment on the Pleadings contains information designated by Lumileds and Epistar Corporation as confidential and subject to one or more of the Protective Orders.

2. Exhibit A to the Declaration of Ryan Scher in Support of Philips Lumileds Lighting Company, LLC’s Reply in Support of Its Motion for Judgment on the Pleadings is a true and correct copy of the Commission Opinion on Violation, Remedy, the Public Interest, and Bonding, issued May 9, 2007, in the ITC’s investigation *In the Matter of Certain High-Brightness Light Emitting Diodes and Products Containing Same*, USITC Inv. No. 337-TA-556. This document contains information designated by Lumileds and Epistar Corporation as confidential and subject to one or more of the Protective Orders.

3. Exhibit B to the Declaration of Ryan Scher in Support of Philips Lumileds Lighting Company, LLC's Reply in Support of Its Motion for Judgment on the Pleadings is a true and correct copy of excerpted pages 71-78 regarding "Licensing Defense for MB and OMA Products" from the Initial Determination, issued January 8, 2007, in the ITC's investigation *In the Matter of Certain High-Brightness Light Emitting Diodes and Products Containing Same*, USITC Inv. No. 337-TA-556. This document contains information designated by Lumileds and Epistar Corporation as confidential and subject to one or more of the Protective Orders.

Lumileds will lodge the aforementioned documents in hard copy with the Court as well as lodge a redacted version of the Reply in Support of Its Motion for Judgment on the Pleadings. This request is supported by the following declaration.

For the foregoing reasons, Lumileds requests that the Court order the above documents sealed pursuant to the Protective Order entered by the administrative law judge in the ITC Investigation.

Dated: July 24, 2008

Respectfully Submitted,

MORGAN, LEWIS & BOCKIUS LLP

By /s/ Michael J. Lyons

Michael J. Lyons
Attorneys for Defendant and
Counterclaimant
Phillips Lumileds Lighting Company, LLC

I, Michael J. Lyons, declare as follows:

1. I am an attorney at the law firm of Morgan, Lewis & Bockius LLP, attorneys for Philips Lumileds Lighting Company, LLC. I am a member in good standing of the Bar of the State of California and admitted to practice in the United States District Court for the Northern District of California. I submit this declaration in support of the above Administrative Request to File Documents Under Seal Pursuant to Civil L.R. 79-5.

